

Remarks

By this Amendment, claims 64 through 68 are canceled and claims 59 and 62 are amended. Claims 59 through 63 are pending in the application and reconsideration is respectfully requested.

Alleged Statutory Double Patenting

This rejection is now moot as claims 64-68 have been canceled.

Alleged Obviousness-Type Double Patenting

Although Applicants believe this rejection to be improper, for expediency, a Terminal Disclaimer is hereby submitted. Thus, this rejection as applied to 59-63 should be withdrawn.

Rejection of Claims 59-68 Under 35 USC § 112, First Paragraph

The Examiner has rejected claims 59-68 under 35 USC § 112, first paragraph. Although Applicants believe the rejection to be improper, for expediency, applicants have amended claims 59-63 to recite a polymeric compound comprising a methacrylamide derivative and a hydrophilic comonomer. Accordingly, claims 59-63 are allowable.

Rejection of Claims 59-68 under 35 USC § 112, Second Paragraph

Although Applicants believe the rejection to be improper, for expediency, claims 59-63 have been amended to recite a polymeric compound comprising a methacrylamide derivative and a hydrophilic comonomer, to address the Examiner's concern. Accordingly, claims 59-63 are allowable.

Rejection of Claims 64, 65, 67, and 68 Under 35 USC § 103(a)

This rejection is now moot as claims 64-68 have been canceled, however, Applicants again assert that the cited reference does not teach or suggest a polymeric compound as recited in the present application claims. Specifically, the Goupil patent discloses a composition for use in tissue bulking and coating. The Examiner alleges that "transformation of the solution to gel is obvious because [the Goupil patent discloses] that changes [in conditions] such as temperature and pH result in a


transformation of the solution.” In contrast to the Goupil patent, claims 64, 65, 67 and 68 recite a polymeric compound that is a gel upon exposure to critical minimum values of **at least two** environmental stimuli.

Not only does the Goupil patent fail to disclose gellation, it also fails to disclose transformation of the composition in response to more than one environmental stimuli. The Goupil patent plainly states that the composition may degrade “in response to **an** applied condition, such as a change in temperature **or** pH.” Column 2, lines 49-53 (emphasis added). Nowhere does it teach that any transformation can be made *dependent on two or more environmental stimuli*, let alone exposure to critical minimum values of two or more environmental stimuli, as recited in claims 64, 65, 67 and 68.

Respectfully submitted,

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By



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